

From: Harold Nissen
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Subject: RCE's

Please note, that in my opinion RCE's have increased because of the Patent Office.

1. I have been handling patent applications since the late 1940's.

In my early years when we had a problem, we used to interview the Examiner at the Patent Office and while interviews were ostensibly suppose to be restricted to a half hour, many Examiners were more helpful and used to extend the time to sometimes an hour and a half.

2. At times he examiner used to call in the Primary Examiner and matters were worked out.

3. If an agreement could not be reached for whatever reason, the attorney would leave matters as they are and speak with the inventor.

4. At times , the Examiner would also discuss matters with the inventor(s) and an agreement was reached.

5. Now, no matter what, a Final is issued after a second action without the issues being reached or the attorney knowing what the issues actually were.

6. We may need an utility type of protection which would be better than a publication so that if someone copies something slavishly, the owner is protected.

7. An RCE is not a new matter; it is the same application and is just another form of an extension in the application.

8. I am aware that the Government and the PTO needs funds and competent Examiners are necessary.

9. I am also aware that for example years ago the Examiners in the Japanese, Dutch and German Patent Offices were experts in their field of examination and that their income was commensurate with that of the outside Patent Attorney. I am also aware that some Examiners go to the NIH in Bethesda because of salary.

10. In many situations, the problem is language and sometimes a further explanation is needed. Since a patent application cannot be amended, if a particular word or term is to be added it should be part of an appendix to a patent to explain the meaning that is intended without having to look at the file wrapper to obtain the meaning and why the application was allowed; somewhat along the lines of an Examiners reasons for allowability.

11. Registration No. 17,283

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